

has been set up, but if the need arises, the Board may advise and a committee may be set up. The Committee will see to it that even these experiments may not be accompanied by an injury or by a pain which can be avoided. I think it is a very desirable idea.

Then, Sir, some criticisms, perhaps of a more important nature, have been made in the House. Many things have been said about *halal* and *jhatka* and about the sacrifice of animals before the deities. In framing this Bill we did not want to introduce any controversial matters because I am perfectly clear in my mind that the introduction of any controversial matter will defeat the objects of the Bill; it will create hostility; it will divide the society. The success of this Bill will depend upon the mass support which the society is prepared to give to the provisions of the Bill. I have no doubt in my mind that we cannot prevent cruelty to animals by legislation. Legislation is good; it is necessary; it is to be enacted. But far more important is the question of awakening the people, of making them conscious of the love to be shown to animals. And if we introduce these provisions, for instance if we say there shall be no *halal* as it involves a type of cruelty which may be avoided, such an attitude will antagonise a large section of people; it will deprive them of the animal food that they are getting today. Now, sacrifice of animals before the deities. Well, that is a custom. I am not happy about it, but there are others who believe in it, and I think social consciousness at the moment would not warrant that there should be any legislation against it.

1 P.M.

In fact, it is in the interest of the animals that we should not introduce any controversial matters here which, I think, will do more to defeat the object of law than help it.

The hon. Member, Shri Jaswant Singh, talked a good deal about sports.

I am sorry, Sir, that he did not perhaps read the Report. The whole chapter VI . . .

MR. DEPUTY CHAIRMAN: Will you take more time?

SHRI A. P. JAIN: I will finish in five minutes or let me speak after lunch, if you do not mind.

MR. DEPUTY CHAIRMAN: You may continue after lunch. The House stands adjourned till 2-30 in the afternoon.

The House then adjourned for lunch at one minute past one of the clock.

The House reassembled after lunch at half past two of the clock, THE VICE-CHAIRMAN (PANDIT S. S. N. TANKHA) in the Chair.

MESSAGE FROM THE LOK SABHA

THE BANKING COMPANIES (AMENDMENT) BILL, 1959

SECRETARY: Sir, I have to report to the House the following message received from the Lok Sabha, signed by the Secretary of the Lok Sabha:—

"In accordance with the provisions of Rule 96 of the Rules of Procedure and Conduct of Business in Lok Sabha, I am directed to enclose herewith a copy of the Banking Companies (Amendment) Bill, 1959, as passed by Lok Sabha at its sitting held on the 12th August, 1959."

Sir, I lay the Bill on the Table.

THE PREVENTION OF CRUELTY TO ANIMALS BILL, 1959—continued

SHRI A. P. JAIN: Sir, before the House adjourned for lunch I was saying that there is a whole chapter on animal sports in the Committee's Report. Sir, some hon. Members here have said that sport should be abolished altogether. They seem to be under the impression as if sport is meant

[Shri A. P. Jain.]

only for the enjoyment of rajahs, maharajahs and other rich persons. My hon. friend over there said that a large number of Adivasis and other tribal people depend for a substantial portion of their food on sporting. The Committee very carefully considered this question and it agreed with the view that sports provided a means of maintaining the balance of nature. However, sports need to be strictly regulated in accordance with the provisions of the existing game laws in order that they might not lead to abuses and excesses.

On page 68 of its Report, the Committee says:

" . . . it is also a means of providing food for human beings. To the people in the tribal areas hunting is an important, if not the only, means of livelihood."

The Committee deals with Game Laws in paragraphs 164 and 165 and it has made very useful recommendations. It has dealt with poaching, hunting, reserved forests and all the different aspects of sports.

Then, Sir, there is the Indian Board for Wild Life, one of whose functions is to devise ways and means of conservation and control of wild life through co-ordinative, legislative and practical measures. Naturally, when there is already a set of legislations to deal with sports, it was not necessary to include any provision in this Bill regarding the regulation of sports.

Now I come to Clause 11 of the Bill which has been the main target of attacks. In fact, that Clause is the key clause to the Bill, Sir, it has been observed by a very large number of hon. Members here that the provisions are vague and that it will be difficult to enforce them. They said, if they are not fully enforced, that will mean a contempt of law, and if

they are fully enforced, that would mean giving too much power to the police. Sir, there is some truth in it, namely, that provisions of this nature are rather difficult to enforce. In fact, the Committee, at a very early stage, in their Report dealt with the questions "What is cruelty, and how it should be dealt with?" and "Whether it is possible to define cruelty in a general manner.", and they came to the conclusion that it would be better to make specific provisions which may, by law, be treated as cruel and which may be made punishable, rather than make an attempt to define the word "cruelty" in a general way. In fact, the Committee says:

"Most of the laws on the prevention of cruelty to animals existing in India or any other countries have not defined the word "cruelty". They have simply stated various forms of cruelty commonly practised on animals, and have prescribed penalties of a varying order, depending upon the degree of the cruelty inflicted."

Whatever might be the strong or weak points of Clause 11, hon. Members seem to forget that most of the provisions laid down in Clause 11 are sheer repetition of what exists in the existing law of 1890. For instance, the provision made in sub-clause (a) "beats, kicks, over-rides . . .", etc. are mostly repetitions from the existing law, and the Committee also thought that keeping the spirit of the law in view, it would have been a travesty, something very unjust, to have even toned down what has been existing in the existing law.

THE VICE-CHAIRMAN (PANDIT S. S. N. TANKHA): But surely you can improve upon them.

SHRI A. P. JAIN: We did not want to tone them down. That is what I am saying. We have improved upon them. We have added many things.

Now, Sir, the existing law has been in operation since 1890 and since then there have been various amendments. The case law has given meaning and content to the phrases which may appear to be somewhat vague. So, keeping all these things in view, I think, the provisions which are made in Clause II are by and large reasonable. But, it will be open to the Select Committee to modify, either this way or that way, any of the clauses if it finds that any of these provisions need to be modified or made to be more stringent. It will look into these matters.

Now, of all the provisions in this law, I attach the greatest importance to the proposal for setting up the Animal Welfare Board. This is a new provision, and I think a very beneficial and very welcome provision. As I said before, cruelty to animals cannot be avoided by legislation. Legislation is good. It is necessary. Some sort of cruelties have to be banned and made punishable, and some of them very heavily punished for. But the welfare of animals can be achieved only by awakening a sense of compassion and piety in the people for which there is a positive provision in this law:

“(j) to impart education in relation to animals and to encourage the formation of public opinion against the infliction of unnecessary pain or suffering to animals and for the promotion of animal welfare by means of lectures, books, posters, cinematographic exhibitions and the like;”

I think, Sir, if proper types of books are prepared for children and prescribed in their course—which lay down and advocate a correct approach for human beings towards animals—it will go a long way in achieving the objects of this law. I do hope, Sir, that this Board will go a long way in that direction and keep that thing in mind.

Then, Sir, traditionally, respect for all kinds of life forms part of our culture. Again, Sir, that is not enforced so much by penal clauses as by changing the general outlook of the people. The two great sages of India—Buddha and Mahavira—although they were rulers before they became *sadhus*, did not enforce it by law. They tried to do it by arousing the conscience of human beings. And that should be our approach today. I believe, Sir, that the constitution of this Board will go a long way in awakening the conscience of the people. Therefore, I welcome the provision with regard to the formation of this Board.

Before I conclude, Sir, I feel that I would be wanting in my duty if I do not pay my warm tribute to that noble lady, Shrimati Rukmini Devi Arundale, due to whose continuous efforts this Bill contains many of its provisions. The other members of the Committee have worked hard and they deserve our thanks, and this Report, I think, is a historic document which will serve to help and guide us for a long time to come. With these few words, Sir, I commend this motion for acceptance by the House.

SHRI BHUPESH GUPTA (West Bengal): May I ask one question, Sir? This proposition was brought before the House by the hon. lady just mentioned by him—Shrimati Rukmini Devi Arundale. I do not know as to why the Government did not find its way to have sponsored this measure in this House so that it could have carried with it, after necessary amendment, some of those fine sentiments and all that. It was possible for the Government to have this Bill sponsored in that way. I would like to know what came in its way, if at all.

SHRI A. P. JAIN: Well, the spirit is that of the noble lady, the voice is mine.

SHRI BHUPESH GUPTA: If the mind has been properly expressed, the voice has been rather harsh.

THE VICE-CHAIRMAN (PANDIT S. S. N. TANKHA): The question is:

"That the Bill to prevent the infliction of unnecessary pain or suffering on animals and for that purpose to amend the law relating to the prevention of cruelty to animals be referred to a Joint Committee of the Houses consisting of 45 members; 15 members from this House, namely:—

1. Shrimati Lakshmi N. Menon
2. Shri Jai Narain Vyas
3. Dr. M. D. D. Gilder
4. Shri K. Madhava Menon
5. Shrimati Chandravati Lakhanpal
6. Prof. N. R. Malkani
7. Shri Amolakh Chand
8. Shri Tajamul Husain
9. Shri Onkar Nath
10. Shri V. C. Kesava Rao
11. Dr. H. N. Kunzru
12. Shri Lalji Pendse
13. Shri Dahyabhai Patel
14. Shri Niranjan Singh
15. Shrimati Rukmini Devi Arundale

and 30 members from the Lok Sabha;

that in order to constitute a meeting of the Joint Committee the quorum shall be one-third of the total number of members of the Joint Committee;

that in other respects, the Rules of Procedure of this House relating to Select Committees shall apply with such variations and modifications as the Chairman may make;

that this House recommends to the Lok Sabha that the Lok Sabha do join in the said Joint Committee and communicate to this House the names of members to be appointed by the Lok Sabha to the Joint Committee; and

that the Committee shall make a report to this House by the first day of the next session."

The motion was adopted.

THE ROAD TRANSPORT CORPORATIONS (AMENDMENT) BILL, 1959

THE MINISTER OF STATE IN THE MINISTRY OF TRANSPORT AND COMMUNICATIONS (SHRI RAJ BAHADUR): Sir, I beg to move:

"That the Bill further to amend the Road Transport Corporations Act, 1950, as passed by the Lok Sabha, be taken into consideration."

As the House is aware, many States have nationalised road transport in the past few years. The nationalised road transport services are run departmentally or are operated by public limited companies or corporations. The Government of India, some years ago, decided as a matter of policy that in the interests of rail-road co-ordination it would be desirable if the nationalised services were to be run through statutory public corporations in which the Railways, the State Government and, where possible, the private operators could have financial interest. Under the Constitution the formalities in regard to the incorporation and functions of the corporations have to be defined by Central legislation. This was done by means of the Road Transport Corporations Act of 1950. This is an enabling measure empowering the State Governments to incorporate, if they so choose, regulate and wind up Road Transport Corporations.

The Act was amended by the Road Transport Corporations (Amendment) Act, 1956, with a view to overcoming the administrative difficulties which had arisen on account of the territorial changes brought about by the reorganisation of States under the States Reorganisation Act, 1956.